

# **CASS COUNTY LOCAL COURT RULES**

*(Updated effective July 1, 2014)*

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**LR09-CR2.3-1****Criminal Case and Infraction Transfer**

The judge of the Circuit or Superior Courts in accordance with this local rule and/or I.C. 33-29-1-9, by appropriate order entered in the Record of Judgments and Orders, may transfer and reassign to another court of record in Cass County, any pending felony, misdemeanor or infraction, provided the receiving court has jurisdiction to hear such case and accepts jurisdiction of the same.

**LR09-CR00-2****Dismissal, Refiling, and Subsequent Filings of Criminal Proceedings**

When the state dismisses a felony or misdemeanor case that has been assigned or reassigned under these local rules, all felony or misdemeanor charges filed against that same defendant within the next six months shall be assigned to the judge from whom the dismissal was taken.

**LR09-CR2.2-3****Reassignment of Criminal Cases**

In the event of disqualification, recusal, or other reason for change of judge, a pending felony, misdemeanor, or infraction shall be reassigned to another court in Cass County, provided the other court has jurisdiction to hear such matter. If the case cannot be reassigned and transferred to another court in the county, the case shall be reassigned in the court where pending to a duly appointed senior judge or judge from a court in a contiguous county. Cases reassigned to judges from contiguous counties in seriatim order. Judges previously assigned to the case are ineligible for reassignment under this rule.

**LR09-CR2.2-4****Appointment of Special Judge-Criminal**

In the event these rules fail to assign a case or unique circumstances presented in a particular proceeding preclude local assignment, the judge before whom the case is pending may request the Indiana Supreme Court to appoint a special judge for the case.

**LR09-TR79-5****Appointment of Special Judge-Civil**

**PURPOSE OF RULE** – This rule is adopted to comply with requirements of Trial Rule 79(H) of the Indiana Rules of Trial Procedure. It is intended to provide a means of selection of special judges insuring the effective use of all judicial resources within Administrative District 8, and includes each person eligible for appointment under Section (J) of Trial Rule 79.

**CENTRAL OFFICE ESTABLISHED** - There is established a Central Office for the keeping of records of appointment and selection of special judges for this District. The Central Office of this District shall be the Howard Superior Court 4. The Administrator of the Central Office shall be appointed by the Judge of the Howard Superior Court 4.

The Cass Circuit and Superior Courts shall hereafter refer to the Central Office of this District whenever selection of a special judge is required under this rule. The Cass Circuit and Superior Courts shall accept from the Central Administrator the name of the individual to then be appointed as special judge.

The person serving as Administrator of the Central Office shall have the following responsibilities:

1. To maintain a list of persons qualified to serve as special judge under Section (J) of Trial Rule 79.
2. To take referrals from the several courts of this District, requesting appointment of a special judge.
3. To alternately and on a rotating basis appoint qualified judges from the list maintained for that purpose.
4. To notify the referring Court of the individual to be appointed under this Rule.

**CURRENT ROTATION SCHEDULE** – The following shall be the rotation schedule initially used by the Central Administrator:

1. The judge of Cass Superior Court 1.
2. The judge of Howard Superior Court 3.
3. The judge of Fulton Superior Court.
4. The judge of Howard Superior Court 2.
5. The judge of Fulton Circuit Court.
6. The judge of Howard Circuit Court.
7. The judge of Miami Superior Court 1.
8. The judge of Howard Superior Court 1.
9. The judge of Cass Circuit Court.
10. The judge of Miami Circuit Court.
11. The judge of Cass Superior Court 2.
12. The judge of Howard Superior Court 4.
13. The judge of Miami Superior Court 2

**ADMINISTRATIVE FEE** – Each of the Courts participating under this Rule shall pay each year the sum of Fifty Dollars (\$50.00) to the Central Administrator, payable directly to the Administrator by the 15<sup>th</sup> of September each year.

**CERTIFICATION TO SUPREME COURT** – In cases in which no judge is eligible to serve as special judge in a particular case, or where the circumstances of a case require it, the Court shall certify those circumstances to the Indiana Supreme Court, Division of State Court Administration, and the Supreme Court shall make the appointments.

*(Effective July 1, 2011)*

The undersigned courts comprise all the courts of record of Cass County, Indiana, and hereby adopt the following local rule by which court reporter services shall be governed:

**Section One. Definitions** The following definitions shall apply under this local rule:

- (1) A *Court Reporter* is a person who is specifically designated by a court to perform the official court reporting services for the court including preparing a transcript of the record.
- (2) *Equipment* means all physical items owned by the court or other governmental entity and used by a court reporter in performing court reporting services. Equipment shall include, but not be limited to, telephones, computer hardware, software programs, disks, tapes and any other device used for recording and storing, and transcribing electronic data.
- (3) *Work space* means that portion of the court's facilities dedicated to each court reporter, including but not limited to actual space in the courtroom and any designated office space.
- (4) *Page* means the page unit of transcript which results when a recording is transcribed in the form required by Indiana Rule of Appellate Procedure 7.2.
- (5) *Recording* means the electronic, mechanical, stenographic or other recording made as required by Indiana Rule of Trial Procedure 74.
- (6) *Regular hours worked* means those hours which the court is regularly scheduled to work during any given work week. Depending on the particular court, these hours may vary from court to court within the county but remain the same for the work week.
- (7) *Gap hours worked* means those hours worked that are in excess of the regular hours worked but hours not in excess of forty (40) hours per work week.
- (8) *Overtime hours worked* means those hours worked in excess of forty (40) hours per work week.
- (9) *Work week* means a seven (7) consecutive day week that consistently begins and ends on the same days throughout the year, i.e. Sunday through Saturday, Wednesday through Tuesday, Friday through Thursday.
- (10) *Court* means the particular court for which the court reporter performs services. Court may also mean all of the courts in Cass County.
- (11) *County indigent transcript* means a transcript that is paid for from county funds and is for the use on behalf of a litigant who has been declared indigent by a court.
- (12) *State indigent transcript* means a transcript that is paid for from county funds and is for the use on behalf of a litigant who has been declared indigent by a court.
- (13) *Private transcript* means a transcript, including but not limited to, a deposition transcript that is paid by a private party.

## **Section Two. Salaries and per Page Fees**

- (1) *Court Reporters* shall be paid an annual salary for time spent working under the control, direction and direct supervision of their supervising court during and regular work hours, gap hours or overtime hours. The supervising court shall enter into a written agreement with the court reporters which outlines the manner in which the court reporter is to be compensated for gap and overtime hours, i.e. monetary compensation or compensatory time off regular work hours.
- (2) The maximum per page fee a court reporter may charge for the preparation of a county indigent transcript shall be \$4.25; the court reporter shall submit a claim to the county for the preparation of any indigent transcripts.
- (3) The maximum per page fee a court reporter may charge for the preparation of state indigent transcript shall be \$4.25.
- (4) The maximum per page fees a court reporter may charge for the preparation of a private transcript shall be \$4.25.
- (5) Each court reporter shall report, at least on an annual basis, all transcript fees received for the preparation of either county indigent, state indigent or private transcripts to the Indiana Supreme Court Division of State Court Administration. The reporting shall be made on forms prescribed by the Division of State County Administration.

## **Section Three. Private Practice**

- (1) If a court reporter elects to engage in private practice through the recording of a deposition and/or preparing of a deposition transcript, and the court reporter desires to utilize the court's equipment, work space and supplies, and the court agrees to the use of the court equipment for such purpose, the court and the court reporter shall enter a written agreement which must, at a minimum, designate the following:
  - (a) The reasonable market rate for the use of equipment, work space and supplies,
  - (b) The method by which records are to be kept for court use of equipment, work space and supplies, and
  - (c) The method by which the court reporter is to reimburse the court for the use of the equipment, work space and supplies,
- (2) If a court reporter elects to engage practice in private through the recording of a deposition and/or preparing of a deposition transcript, all such private practice work shall be conducted courtside of regular working hours.

**LR09-AR1-7****Case Allocation Plan**

Except as hereafter provided, Class D and Level 6 felony cases shall be filed in Superior Court 1. All misdemeanors and infractions shall be filed in Superior Court 2. All criminal and civil support actions shall be filed in Cass Circuit Court. All other felonies shall be assigned randomly to Cass Circuit Court and Cass Superior Court 2. A defendant having multiple independent criminal actions pending against him may have all criminal actions consolidated in one court per the discretion of the judiciary in this jurisdiction. Where multiple offenses are alleged, the highest class of criminal offense filed against an individual defendant shall control case assignment in accordance with this rule. Cases involving multiple defendants shall be filed in the same court pursuant to this rule for judicial economy.

Cases involving juvenile delinquencies, children in need of services, paternity, guardianships, and adoptions shall be filed in Circuit Court.

Small claims, independent protective order proceedings, and mental health cases shall be filed in Superior Court 1.

All other civil matters not specifically set out above shall be filed in the court requested by initiating counsel.

The sitting judges of this jurisdiction will meet on a regular basis to ensure equality of the judicial workload created by this rule.

**LR09-TR00-8****Civil Case Transfer**

The judge of the Circuit or Superior Courts in accordance with this local rule and/or I.C. 33-29-6, by appropriate order entered in the Record of Judgments and Orders, may transfer and reassign to another court of record in Cass County, any pending civil action, provided the receiving court has jurisdiction to hear such case and accepts jurisdiction of the same.

**LR09-JR4-9****Summoning Jurors**

Pursuant to Indiana Jury Rule 4, the judges of the courts of record in Cass County select the two tier notice and summons procedure.

**LR09-CR00-10**

**Bail Schedule**

The Cass County Bail Schedule shall apply to all persons arrested with offenses in Cass County unless otherwise endorsed upon a warrant or ordered by a judge of the Circuit or Superior Court. The standard minimum bail in criminal cases shall be set as follows:

<b>FELONIES</b>	<b>Cash Bond</b>	<b>Surety Bond</b>
Murder	No Bond	No Bond
Class A	\$10,000.00	\$50,000.00
Class B	\$5,000.00	\$25,000.00
Class C	\$2,000.00	\$10,000.00
Class D	\$1,000.00	\$5,000.00
 <b>MISDEMEANORS</b>		
Class A	\$250.00	\$1,000.00
Class B	\$200.00	\$750.00
Class C	\$150.00	\$500.00

Any defendant on probation or parole is subject pursuant to statute to a hold up to fifteen days prior to being released on bail. Those defendants shall be held until their first court appearance to give the prosecutor the opportunity to request the probation hold.

In those situations where the defendant has been arrested for allegations of domestic violence or violation of a no contact order, said defendant will be held without bail until the appropriate bail is determined by a judicial officer at he defendant’s first court appearance.

**LR09-AR00-11**

**Local Judicial Jurisdiction**

To expedite the administration of justice in Cass County, the three sitting judges of Cass County authorize the other judges to sit as judge in their court at any time, and in any case.

**LR09-AR00-12**

**Alcohol/Drug Program Fees**

In accordance with I.C. 12-23-14-16(b), the following fees are adopted for alcohol and/or drug program services:

- Assessment and Case Management Fee...\$250.00
- Substance Abuse Education Fee.....\$150.00